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Attorney of Record

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Mark A. Lucak, et al.  
Serial No.: 09/843,563  
Filed: April 26, 2001  
For: Method for Fabricating a Microelectromechanical System (MEMS) Device Using a Pre-Patterned Substrate  
Group Art Unit: 2812  
Docket No.: 110003.97427

#5/A  
PRE-Amend  
Electron  
J. M. Churchill  
10/30/02

PRELIMINARY AMENDMENT

Commissioner for Patents  
Washington DC 20231

Dear Sir:

Prior to the substantive examination of the above-captioned application, please amend the application as follows.

IN THE CLAIMS:

10/31/2002 JMC/ILLA 00000001 170055 09843563

01 FC:1202

144.00 CH The following amended claims should be replaced for like numbered claims originally filed in the pending patent application, and the new claims should be added to the application. A version of the new and amended claims with markings to show changes made is attached to the end of this communication.

New Claims

1. (Once Amended) A method of fabricating a MEMS structure, comprising the steps of:

- (a) forming a recess in an upper surface of a substrate;

A1